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SUBJECT: CARTEGENA PROTOCOL ON BIO SAFETY

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REF: STATE 259661

1.As a signatory to the Convention on Biological Diversity and Cartagena Protocol on Bio Safety, Sri Lanka is developing its own National Bio Safety Framework for Sri Lanka (NBFSL) in order to comply with articles of the Protocol. The National Biosafety Framework Project, under the purview of the Ministry of Environment and Natural Resources, has compiled a draft NBSFL.

2.The NBFSL recognizes the potential of biotechnology to develop domestic agriculture and also addresses concerns of the technology and proposes measures, which would contain policies and procedures to ensure the safe application of all biotechnologies, and any activity associated with GMO's that may adversely affect the conservation and sustainable use of biodiversity and biological resources. The Ministry of Agriculture has also identified biotechnology as a major thrust area in priority setting and strategic planning in the National Agriculture Research Policy for the period 2003-2010.

3.There are no current regulations in place to restrict or regulate the import of GM foods or products derived from biotechnology into the country. The Government of Sri Lanka (GSL) has no plans to impose a ban on GMO's, although a couple of NGO's are lobbying for greater restrictions. The Ministry of Health, which regulates the manufacture, import, sales and distribution of food products in the country, has rejected these representations on the basis that Sri Lanka is bound to ensure adherence to commitments with international trade agreements, organizations and practices.

4. A report in June 2004 by the subcommittee on legal aspects that has been appointed by the Ministry of Health to deal with specific regulations with respect to GMO's and related issues has proposed recommendations which include:

- Compulsory labeling of GMO's
- A new law to be enacted to regulate and monitor applications of modern biotechnologies including all GMO's, LMO's and products
- Enact draft regulations by the Ministry of Health, which will require approval of GM foods on a case-by case system
- The Precautionary Principle to be applied, particularly in areas of uncertainty
- Regulate and if necessary prevent any animal feed containing GM materials to be brought into the country
- Incorporate regulations to relevant enactments such as the Plant Protection Act, Food Act, Consumer Affairs Authority Act, Control of Pesticides Act and Fisheries & Aquatic Resources Act to regulate, control and, when necessary, prohibit the entry of GMO's relevant to the respective sectors. According to the National Project Coordinator of the NBFSL, these proposed recommendations are requirements of the Cartagena Protocol.

5. Comment: There does not seem to be much direction to the country's biotech policies and regulations. Sri Lanka announced a ban on imports of GM products in 2001, only to revoke it without implementation due to lobbying from the food industry and foreign missions. A senior GSL official in the agriculture sector has privately commented that the NBFSL recommendations have little chance of being implemented due to the lack of cohesion among key stakeholders and scarcity of qualified personnel to evaluate the proposals. The National Project Coordinator of the NBFSL, who will complete his assignment in February of 2005, also expressed this view. He feels there is insufficient expertise or competent personnel to take the Framework forward. A database containing local resources and

personnel on biotechnology is virtually defunct and the NBFSL website is no longer being maintained. There is more concern by the GSL regarding an invasive species causing harm to the country's biodiversity through imports of GM plants and planting material than over GM foods, which are widely imported and consumed in the country at present. Although a few NGO's and GSL officials continue to be vocal in their opposition to biotechnology and GM foods, the GSL is not in a position to re-impose a ban while maintaining their WTO commitments. It is unlikely that procedures and laws to regularize GMO's and products derived from biotechnology will be introduced in the foreseeable future.

#### Post Initiatives

16. Post has recently submitted a request for a biotech speaker to meet with key stakeholders as well as educate consumers on GM and biotech foods. Post sponsored a similar program in 2002 and saw very positive results. The public has limited information on biotechnology or its potential to develop the agriculture sector and provide cheaper food for the population. Most local media publicity on biotechnology focuses on the potential negative aspects of biotechnology, with little or no coverage given to its proven advantages. Post has periodically engaged the host government on this issue since the pivotal role played by the Embassy in persuading GSL to suspend the proposed GM ban in 2001. Although the issue of restricting biotechnology and GMO's continues to surface in the media, no steps have been taken to restrict or prohibit the entry of GM products into Sri Lanka.

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